

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

**STATE OF TENNESSEE,
ex. rel. JONATHAN SKRMETTI,
ATTORNEY GENERAL and
REPORTER**

and

**COMMONWEALTH OF KENTUCKY,
ex. rel. DANIEL CAMERON,
ATTORNEY GENERAL,**

Plaintiffs,

vs.

**IDEAL HORIZON BENEFITS, LLC
d/b/a SOLAR TITAN USA, a Tennessee
Limited Liability Company,**

**CRAIG KELLEY, RICHARD ATNIP,
and SARAH KIRKLAND, individually
and as officers of Solar Titan USA,**

and

**SOLAR MOSAIC LLC d/b/a MOSAIC,
a California Limited Liability Company,**

Defendants.

No. 3:23-cv-00046-DCLC-JEM

Jury Demanded

**MOTION TO DISMISS PLAINTIFFS' COMPLAINT FOR LACK OF PERSONAL
JURISDICTION, IMPROPER VENUE, AND FAILURE TO STATE A CLAIM**

Defendant Solar Mosaic LLC d/b/a Mosaic ("Mosaic"), by and through the undersigned counsel hereby moves pursuant to Federal Rules of Civil Procedure 12(b)(2), (3), and (6) to dismiss the First Amended Civil Enforcement Complaint [Dkt. 124] for Lack of Personal Jurisdiction, Improper Venue, and Failure to State a Claim. In support of its motion, Mosaic contemporaneously

submits the accompanying memorandum of law and exhibits thereto pursuant to E.D. Tenn. L.R. 7.1.

CERTIFICATE OF CONFERENCE

In accordance with this Court's Order Governing Motions to Dismiss [Dkt. 16], Counsel for Mosaic discussed this matter with Plaintiffs State of Tennessee and Commonwealth of Kentucky in an effort to resolve the issues addressed in this Motion. Following the exchange of several e-mails and telephonic conversations over the course of the preceding months, the parties are unable to agree that Plaintiffs' pleading is curable by a permissible amendment.

/s/Tanya Bowman

Tanya Bowman

Dated: October 6, 2023

Respectfully submitted,

FROST BROWN TODD LLP

/s/ Tanya Bowman

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Attorneys for Solar Mosaic LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2023, I electronically filed the foregoing document with the clerk of the court by using CM/ECF system. I further certify that Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access the filing through the Court's electronic filing system.

/s/Tanya Bowman
Tanya Bowman